

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable James F. Thaxter, Associate Justice; Honorable Thomas A. Harris, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Nick A. Grigsby, Deputy Clerk.

F031114 Caloak Development Properties, L.P. v. City of Bakersfield, et al.

Cause called and argued by Linda Etienne, Esq., counsel for appellant and by Walter H. Porr, Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

F029504 Caloak Development Properties, L.P. v. City of Bakersfield, et al.

Cause called and argued by David L. Saine, Esq., counsel for appellant, and by Walter Porr, Jr., Esq., Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

At this point Dibiaso, Acting P.J. directs Thaxter, J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Wiseman, J.

F031278 People v. Sergio M. Ojeda

Cause called and argued by Hilda Scheib, Esq., counsel for appellant. Eric L. Christoffersen, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Thursday, January 13, 2000 at 10:00 A.M.

F031039 People v. Fitzpatrick

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F032232 In re Roberto M., a Minor

The judgment is affirmed. Thaxter, J.

We concur: Ardaiz, P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031183 People v. Amps, Sr.

The convictions of the two substantive offenses and the finding that the on-bail enhancement allegation is true are affirmed.

The findings that the 1995 and 1997 prior prison term enhancement allegations are true are reversed.

The matter is remanded to the trial court for further proceedings to determine the truth of the 1997 prior prison term enhancement. In the event this allegation is found true, no further proceedings will be held on the 1995 enhancement allegation.

In the event that the 1997 enhancement allegation is found not true, the trial court shall determine the truth of the 1995 prior prison term enhancement allegation.

The trial court shall ultimately resentence appellant as appropriate, consistent with its findings on the various allegations at issue on remand and in a manner not inconsistent with this opinion.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031505 People v. Berry

Appellant's petition for rehearing filed herein is denied.

F033174 In re Joddie P. et al., Minors

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F031336 People v. Morales

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.